

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ALLAN D. PAUL,	)	
	)	
Plaintiff,	)	C. A. No. 06-225-KAJ
	)	
v.	)	
	)	
DELOITTE & TOUCHE, LLP,	)	
and DELOITTE & TOUCHE, USA, LLP,	)	Trial By Jury Demanded
	)	
Defendants.	)	

**MOTION TO STRIKE OR, ALTERNATIVELY, TO DISMISS  
PLAINTIFF'S SECOND AMENDED COMPLAINT**

Pursuant to Rules 15(a), 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, Defendants, Deloitte & Touche LLP and Deloitte & Touche USA LLP, hereby move to strike or, alternatively, to dismiss Plaintiff's Second Amended Complaint because the complaint was untimely served without leave of Court or consent of Defendants and because, as to Count V of the Complaint, the Court lacks jurisdiction over the subject matter and it fails to state claims upon which relief may be granted.

The grounds for this motion are more fully set forth in Defendants' Opening Brief in Support of Their Motion to Strike or, Alternatively, to Dismiss Plaintiff's Second Amended Complaint, filed simultaneously herewith.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

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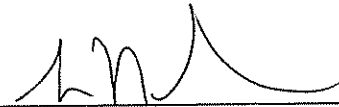
DATED: July 12, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that on July 12, 2006, I electronically filed a true and correct copy of the foregoing **Defendants' Motion to Strike or, Alternatively, to Dismiss Plaintiff's Second Amended Complaint** with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record. A courtesy copy of such **Defendants' Motion to Strike or, Alternatively, to Dismiss Plaintiff's Second Amended Complaint** was also hand delivered to the following counsel of record on this date.

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